

Message Text

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TAGS: OECD, NEA

SUBJECT: COMMENTS ON PROPOSED MODERNIZATION OF THE
STATUTE OF THE OECD NUCLEAR ENERGY AGENCY

1. IN DOCUMENT SEM (77) 1 OF STEERING COMMITTEE FOR
NUCLEAR ENERGY, MEMBERS OF OECD NUCLEAR ENERGY AGENCY
ARE REQUESTED TO COMMENT BEFORE FEBRUARY 25, 1977, ON
PROPOSED AMENDMENTS AIMED AT MODERNIZING AGENCY'S STATUTE
CONTAINED IN DOCUMENTS NE(74) 1 AND NE(77) 1. MISSION IS
REQUESTED TO COMMUNICATE TO SECRETARIAT FOLLOWING OB-
SERVATIONS.

2. BEGIN TEXT:
UNITED STATES COMMENTS ON THE PROPOSED MODERNIZATION OF
THE NEA STATUTES.

THE GOVERNMENT OF THE UNITED STATES REFERS TO DOCU-
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MENT SEN (77) 1, OF JANUARY 24, 1977, IN WHICH THE
STEERING COMMITTEE FOR NUCLEAR ENERGY REQUESTED COMMENTS
OF MEMBER COUNTRIES OF THE OECD NUCLEAR ENERGY AGENCY ON

THE PROPOSALS FOR MODERNIZATION OF THE NEA STATUTE CON-
TAINED IN DOCUMENTS NE(74) 1 AND NE(77)1, WITH THE VIEW
TO DISCUSSING THE MODERNIZATION OF THE STATUTE AT THE

STEERING COMMITTEE MEETING ON APRIL 28-29, 1977. THE FOLLOWING COMMENTS ARE KEYED TO THE ARTICLES OF THE NEA STATUTE AS THEY WOULD RESULT FROM THE PROPOSED AMENDMENTS IN THESE DOCUMENTS.

ARTICLE 1. THE UNITED STATES CONSIDERS THAT THE CHANGE PROPOSED FOR PARAGRAPH (B) IS NOT SUFFICIENT TO REFLECT THE COMMON CONCERN OF STATES AT THE PRESENT TIME TO AVOID THE PROLIFERATION OF NUCLEAR EXPLOSIVE DEVICES. IT IS THE OPINION OF THE UNITED STATES THAT THIS CONCERN SHOULD BE REFLECTED IN SETTING FORWARD THE PURPOSE OF THE NEA. THUS, THE U.S. SUGGESTS THAT PARAGRAPH (B) BE REVISED AS FOLLOWS:

"TAKING DUE ACCOUNT OF THE PUBLIC INTEREST AND MINDFUL OF THE NEED TO PREVENT THE PROLIFERATION OF NUCLEAR EXPLOSIVE DEVICES, THE PURPOSE OF THE AGENCY SHALL BE TO FURTHER THE DEVELOPMENT OF THE PRODUCTION AND USES OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES BY THE PARTICIPATING COUNTRIES, THROUGH COOPERATION BETWEEN THOSE COUNTRIES AND A HARMONIZATION OF MEASURES TAKEN AT THE NATIONAL LEVEL."

THE U.S. DOES NOT UNDERSTAND THE NEED FOR REFERENCE TO "APPLICATIONS OF IONIZING RADIATIONS;" THE REFERENCE APPEARS TO BE REDUNDANT INsofar AS SUCH RADIATIONS ARE FROM NUCLEAR SOURCES, AND INsofar AS THEY ARE NOT, DOES NOT CONSIDER THEM WITHIN THE SCOPE OF THE AGENCY. THE REFERENCE ALSO SHOULD BE DELETED IN ARTICLES 3, 5, 8 AND UNCLASSIFIED

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15.

ARTICLE 3. AS A MATTER OF ENGLISH DRAFTING STYLE, THE WORD "APPLICABLE" SHOULD BE PLACED BEFORE THE WORD "DECISIONS", RATHER THAN AT THE END OF THE SENTENCE.

ARTICLE 4. WITH RESPECT TO PARAGRAPH (A), THE U.S. NOTED THE CHANGE IN PARAGRAPH 3(C) OF DOCUMENT NE(77) 1. HOWEVER, IT IS THE VIEW OF THE U.S. THAT IF REFERENCE IS

MADE TO THE COMMITTEE FOR ENERGY POLICY, IT WOULD ALSO BE APPROPRIATE TO INCLUDE A REFERENCE TO OTHER EXISTING BODIES IN THE OECD. THUS, THE U.S. SUGGESTS THAT THE ENDING OF THE PARAGRAPH BE MODIFIED BY THE ADDITION OF THE CLAUSE "OR OTHER EXISTING BODIES IN THE OECD, SUCH AS THE INTERNATIONAL ENERGY AGENCY".

ARTICLE 6. CONSISTENT WITH ITS COMMENTS CONCERNING ARTICLE 1, THE U.S. BELIEVE PARAGRAPH (A) OF

ARTICLE 6 SHOULD BE MODIFIED SO THAT IT WOULD END WITH THE WORDS "...SHALL NOT FURTHER ANY MILITARY PURPOSE, OR CONTRIBUTE IN ANY WAY TO THE DEVELOPMENT, MANUFACTURE OR PRODUCTION OF ANY NUCLEAR EXPLOSIVE DEVICE".

ARTICLE 8. THE U.S. CONSIDERS THAT SEVERAL MODIFICATIONS WOULD BE ADVISABLE. WITH REGARD TO SUB-PARAGRAPH (A) (II), THE U.S. BELIEVES THAT A PARTICULAR REFERENCE TO PHYSICAL PROTECTION OF NUCLEAR INSTALLATIONS, MATERIALS, AND TRANSPORTS SHOULD BE INCLUDED. WE ALSO CONSIDER THAT THE PROMOTION OF SAFETY SHOULD INCLUDE NOT ONLY NUCLEAR INSTALLATIONS, BUT ALSO SAFETY WITH RESPECT TO NUCLEAR MATERIALS AND TRANSPORTS. THUS, THE U.S. SUGGESTS THAT SUB-PARAGRAPH (II) BE REVISED TO READ: "CONTRIBUTE TO THE PROMOTION OF THE SAFETY AND PHYSICAL PROTECTION OF NUCLEAR INSTALLATIONS, MATERIAL AND TRANSPORTS BY THE RESPONSIBLE

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NATIONAL AUTHORITIES;".

CONCERNING SUB-PARAGRAPH (A) (V) OF ARTICLE 8, THE U.S. ONCE AGAIN RECALLS ITS COMMENTS TO ARTICLE 1. BEARING IN MIND THESE CONCERNS, THE U.S. SUGGESTS THAT SUB-PARAGRAPH (A) (V) BE MODIFIED TO READ AS FOLLOWS: "CONSISTANT WITH THE OBJECTIVE OF PREVENTING THE PROLIFERATION OF NUCLEAR EXPLOSIVE DEVICES, CONTRIBUTE TO THE ELIMINATION OF COMMERCIAL OBSTACLES TO INTERNATIONAL TRADE OR TO DEVELOPMENT OF THE NUCLEAR INDUSTRIES."

ARTICLE 15. WITH RESPECT TO PARAGRAPH (A), THE U.S. CONSIDERS THAT IT WOULD BE APPROPRIATE TO MODIFY THE PARAGRAPH TO PERMIT THE STEERING COMMITTEE BOTH TO

REQUEST COOPERATION OF OTHER INTERNATIONAL ORGANIZATIONS AND ALSO TO COOPERATE WITH OTHER SUCH ORGANIZATIONS. IT IS THUS SUGGESTED THAT THE PARAGRAPH BE REVISED TO READ: "IN THE PERFORMANCE OF ITS DUTIES, THE STEERING COMMITTEE SHALL TAKE ACCOUNT OF THE WORK DONE BY OTHER INTERNATIONAL ORGANIZATIONS CONCERNED AND SHALL, REQUEST THEIR COOPERATION OR OFFER TO COOPERATE WITH THEM, AS APPROPRIATE."

THE MODIFICATIONS SUGGESTED ABOVE COULD OF COURSE BE RE-WRITTEN IN THE FORM OF AMENDMENTS TO THE CURRENT STATUTE OF THE AGENCY, OR IN THE FORM OF AMENDMENTS TO THE REPORT OF THE LEGAL WORKING GROUP NE(74)1. THE PROPOSED ACTION OF THE STEERING COMMITTEE SET FORTH IN PARAGRAPH 5 OF DOCUMENT NE(77)1 WOULD OF COURSE HAVE

TO BE MODIFIED TO REFLECT THE ADDITIONAL CHANGES PRO-
POSED ABOVE.
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Sent Date: 22-Feb-1977 12:00:00 am
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Disposition Comment:
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Disposition Event:
Disposition History: n/a
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Enclosure: n/a
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